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HOUSE BILL 564

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Gail Chasey

AN ACT

RELATING TO ELECTIONS; AMENDING THE VOTER ACTION ACT TO INCLUDE OFFICERS ELECTED ON A STATEWIDE BASIS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-19A-2 NMSA 1978 (being Laws 2003, Chapter 14, Section 2, as amended) is amended to read:

"1-19A-2. DEFINITIONS.--As used in the Voter Action Act:

A. "applicant candidate" means a candidate who is running for a covered office and who is seeking to be a certified candidate in a primary or general election;

B. "certified candidate" means a candidate running for a covered office who chooses to obtain financing pursuant to the Voter Action Act and is certified as a Voter Action Act candidate;

C. "contested election" means an election in which

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1 there are more candidates for a position than the number to be  
2 elected to that position;

3 D. "covered office" means any office of the  
4 executive or judicial department, subject to statewide  
5 elections, and the office of public regulation commissioner;

6 E. "election cycle" means the primary and general  
7 elections for the same term of the same covered office,  
8 beginning on the day after the last general election for the  
9 office and ending with the general election; the primary  
10 election cycle begins on the first day of the election cycle  
11 and ends on the day of the primary election; the general  
12 election begins on the day after the primary election and ends  
13 on the day of the general election;

14 F. "fund" means the public election fund;

15 G. "noncertified candidate" means either a  
16 candidate running for a covered office who does not choose to  
17 participate in the Voter Action Act and who is not seeking to  
18 be a certified candidate or a candidate who files a declaration  
19 of intent to participate but who fails to qualify;

20 H. "qualifying contribution" means a donation of  
21 five dollars (\$5.00) in the form of cash or a check or money  
22 order payable to the fund in support of an applicant candidate  
23 that is:

24 (1) made by a registered voter who is eligible  
25 to vote for the covered office that the applicant candidate is

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1 seeking;

2 (2) made during the designated qualifying  
3 period and obtained through efforts made with the knowledge and  
4 approval of the applicant candidate; and

5 (3) acknowledged by a receipt that identifies  
6 the contributor's name and residential address on forms  
7 provided by the bureau of elections and that is signed by the  
8 contributor, one copy of which is attached to the list of  
9 contributors and sent to the bureau of elections;

10 I. "qualifying period" means:

11 (1) for major party applicant candidates for  
12 covered offices, the period beginning October 1 immediately  
13 preceding the election year and ending at 5:00 p.m. on the  
14 third Tuesday of March of the election year; and

15 (2) for independent and minor party  
16 candidates, the period beginning February 1 of the election  
17 year and ending that year at 5:00 p.m. on the filing date for  
18 independent or minor party candidates for the office for which  
19 the candidate is running;

20 J. "secretary" means the secretary of state or the  
21 office of the secretary of state; and

22 K. "seed money" means a contribution raised for the  
23 primary purpose of enabling applicant candidates to collect  
24 qualifying contributions and petition signatures."

25 Section 2. Section 1-19A-4 NMSA 1978 (being Laws 2003,  
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1 Chapter 14, Section 4, as amended) is amended to read:

2 "1-19A-4. QUALIFYING CONTRIBUTIONS.--

3 A. Applicant candidates shall obtain qualifying  
4 contributions as follows:

5 (1) for governor and lieutenant governor, the  
6 number of qualifying contributions equal to two-tenths of one  
7 percent of the number of voters in the state;

8 [~~(1)~~] (2) for all other statewide [~~judicial~~]  
9 elective offices, the number of qualifying contributions equal  
10 to one-tenth of one percent of the number of voters in the  
11 state; and

12 [~~(2)~~] (3) for the office of public regulation  
13 commissioner, the number of qualifying contributions equal to  
14 one-tenth of one percent of the number of voters in the  
15 district of the office for which the candidate is running.

16 B. Applicant candidates may accept qualifying  
17 contributions from persons who become registered within the  
18 statutory time frame that would enable that person to vote in  
19 the primary election.

20 C. Voters registered as independent are not  
21 excluded from making qualifying contributions but shall be  
22 registered within the statutory time frame as independent.

23 D. No payment, gift or anything of value shall be  
24 given in exchange for a qualifying contribution."

25 Section 3. Section 1-19A-13 NMSA 1978 (being Laws 2003,

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1 Chapter 14, Section 13, as amended) is amended to read:

2 "1-19A-13. AMOUNT OF FUND DISTRIBUTION.--

3 A. By August 1, 2007, the secretary shall determine  
4 the amount of money to be distributed to each certified  
5 candidate for the election cycle ending with the general  
6 election in 2008, based on the type of election and the  
7 provisions of Subsections B through F of this section.

8 B. For contested primary elections, the amount of  
9 money to be distributed to a certified candidate is equal to  
10 the following:

11 (1) for the office of governor for the primary  
12 election of 2014 and subsequent primary elections, one dollar  
13 seventy-five cents (\$1.75) for each voter of the candidate's  
14 party in the state;

15 (2) for the office of lieutenant governor for  
16 the primary election of 2014 and subsequent primary elections,  
17 twenty-five cents (\$.25) for each voter of the candidate's  
18 party in the state;

19 [~~(1)~~] (3) for the office of public regulation  
20 commissioner, twenty-five cents (\$.25) for each voter of the  
21 candidate's party in the district of the office for which the  
22 candidate is running; [and]

23 (4) for the office of attorney general for the  
24 primary election of 2010 and subsequent primary elections,  
25 seventy-five cents (\$.75) for each voter of the candidate's

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1 party in the state;

2 (5) for the office of secretary of state for  
3 the primary election of 2010 and subsequent primary elections,  
4 twenty-five cents (\$.25) for each voter of the candidate's  
5 party in the state;

6 (6) for the office of commissioner of public  
7 lands for the primary election of 2010 and subsequent primary  
8 elections, fifty cents (\$.50) for each voter of the candidate's  
9 party in the state;

10 (7) for the offices of state auditor and state  
11 treasurer for the primary election of 2010 and subsequent  
12 primary elections, twenty cents (\$.20) for each voter of the  
13 candidate's party in the state; and

14 ~~(2)~~ (8) for the ~~office~~ offices of justice  
15 of the supreme court and judge of the court of appeals, fifteen  
16 cents (\$.15) for each voter of the candidate's party in the  
17 state.

18 C. For uncontested primary elections, the amount of  
19 money to be distributed to a certified candidate is equal to  
20 fifty percent of the amount specified in Subsection B of this  
21 section.

22 D. For contested general elections, the amount of  
23 money to be distributed to a certified candidate is equal to  
24 the following:

25 (1) for the office of governor for the general

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1 election of 2014 and subsequent general elections, one dollar  
2 seventy-five cents (\$1.75) for each voter in the state;

3 (2) for the office of lieutenant governor for  
4 the general election of 2014 and subsequent general elections,  
5 twenty-five cents (\$.25) for each voter in the state;

6 [~~(1)~~] (3) for the office of public regulation  
7 commissioner, twenty-five cents (\$.25) for each voter in the  
8 district of the office for which the candidate is running;

9 [~~and~~]

10 (4) for the office of attorney general for the  
11 general election of 2010 and subsequent general elections,  
12 seventy-five cents (\$.75) for each voter in the state;

13 (5) for the office of secretary of state for  
14 the general election of 2010 and subsequent general elections,  
15 twenty-five cents (\$.25) for each voter in the state;

16 (6) for the office of commissioner of public  
17 lands for the general election of 2010 and subsequent general  
18 elections, fifty cents (\$.50) for each voter in the state;

19 (7) for the offices of state auditor and state  
20 treasurer for the general election of 2010 and subsequent  
21 general elections, twenty cents (\$.20) for each voter in the  
22 state; and

23 [~~(2)~~] (8) for the [~~office~~] offices of justice  
24 of the supreme court and judge of the court of appeals, fifteen  
25 cents (\$.15) for each voter in the state.

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1           E. For uncontested general elections, except as  
2 provided in Subsection I of this section, the amount of money  
3 to be distributed to a certified candidate is equal to fifty  
4 percent of the amount specified in Subsection D of this  
5 section. If a general election race that is initially  
6 uncontested later becomes contested because of the  
7 qualification of an independent or minor party candidate to  
8 appear on the ballot for that race, an additional amount of  
9 money shall be distributed to the certified candidate to make  
10 that candidate's total distribution amount equal to the amount  
11 distributed pursuant to Subsection D of this section.

12           F. Once the certification for candidates for the  
13 primary election has been completed, the secretary shall  
14 calculate the total amount of money to be distributed in the  
15 primary election cycle, based on the number of certified  
16 candidates and the allocations specified in this section. The  
17 secretary shall increase the total amount by twenty percent to  
18 provide funds for additional matching funds in the primary  
19 election. The secretary shall also prepare an estimate of the  
20 total amount of money that might be distributed in the general  
21 election cycle. This estimate shall be increased by twenty  
22 percent to provide funds for additional matching funds in the  
23 general election. If the total amount to be distributed in the  
24 primary election cycle, plus the added twenty percent and the  
25 estimated total amount to be distributed in the general

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1 election cycle, plus the added twenty percent, all taken  
2 together, exceed the amount expected to be available in the  
3 fund, the secretary shall allocate the amount available between  
4 the primary and general election cycles. This allocation shall  
5 be based on the ratio of the two total amounts.

6 G. If the allocation specified in Subsection F of  
7 this section is greater than the total amount available for  
8 distribution, then the amounts to be distributed to individual  
9 candidates, specified in Subsections B through E of this  
10 section, shall each be reduced by the same percentage as the  
11 reduction by which the total amount needed has been reduced  
12 relative to the total amount available.

13 H. At least every two years after January 1, 2007,  
14 the secretary shall evaluate and modify as necessary the dollar  
15 values originally determined by Subsections B through E of this  
16 section and shall consider and account for inflation in the  
17 evaluations.

18 I. No money shall be distributed to candidates in  
19 judicial retention elections. No money shall be distributed to  
20 judicial candidates in uncontested general elections, provided  
21 that if a general election race that is initially uncontested  
22 later becomes contested, the certified judicial candidate shall  
23 receive a distribution in accordance with Subsection D of this  
24 section."

25 Section 4. Section 7-1-6.58 NMSA 1978 (being Laws 2007

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1 (1st S.S.), Chapter 2, Section 8) is amended to read:

2 "7-1-6.58. DISTRIBUTION--PUBLIC ELECTION FUND.--A  
3 distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be  
4 made to the public election fund from the amount deposited  
5 pursuant to the provisions of Section 7-8A-13 NMSA 1978 in the  
6 amount of [~~one hundred thousand dollars (\$100,000)~~] four  
7 hundred fifty thousand dollars (\$450,000) per month during  
8 fiscal year [~~2008~~] 2009 and subsequent fiscal years."

9 Section 5. EFFECTIVE DATE.--

10 A. The effective date of the provisions of Sections  
11 1 through 3 of this act is January 1, 2009.

12 B. The effective date of the provisions of Section  
13 4 of this act is July 1, 2008.